

AGENDA

Ways and Means Committee

May 14, 2009

9:15 A.M. in Room 521 Blatt Building

I. Revenue Policy

(Cooper, Barfield, Merrill, White, Young – Staff Liaison – Beverly Smith)

A. Senate Bill 576: State House Security

Other bills may be added. The order noted above is subject to change.

REPORT OF THE REVENUE POLICY SUBCOMMITTEE

(Cooper, Barfield, Merrill, White & AD Young - Staff Contact: Tim Rogers)

HOUSE BILL 576

S. 576 -- Senators McConnell, Malloy, Scott, Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 2, SO AS TO ESTABLISH THE CAPITOL POLICE FORCE, WHICH SHALL CONSIST OF THE CAPITOL POLICE FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THE MARSHAL OF THE SUPREME COURT; TO PROVIDE THAT THE FUNCTIONS, POWERS, DUTIES, AND RESPONSIBILITIES EXERCISED BY THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PUBLIC SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED EMPLOYEES WHOSE DUTIES INVOLVE THE PROVISION OF SECURITY SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, BUT EXCLUDING THOSE AREAS OF THE STATE HOUSE THAT ARE RESERVED FOR THE EXECUTIVE CHAMBER AND THE GOVERNOR'S STAFF, BE DEVOLVED AND TRANSFERRED TO THE CAPITOL POLICE FORCE; TO PROVIDE THAT THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE SHALL HAVE EXCLUSIVE CARE AND CHARGE OVER THOSE AREAS DESCRIBED IN SECTION 2-3-100, AND TO PROVIDE THAT THE MARSHAL OF THE SUPREME COURT SHALL HAVE PRIMARY RESPONSIBILITY OVER THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT AND THE CALHOUN BUILDING; TO PROVIDE FOR THE CREATION OF THE CAPITOL POLICE FORCE COMMITTEE, CONSISTING OF THREE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, THREE MEMBERS OF THE HOUSE APPOINTED BY THE SPEAKER, AND THREE MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH CAROLINA, AND TO PROVIDE THAT THE DIRECTOR OF GENERAL SERVICES SHALL SERVE AS A NON-VOTING EX OFFICIO MEMBER, TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE COMMITTEE; TO PERMIT THE CHIEF OF THE CAPITOL POLICE FORCE TO EMPLOY SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS NECESSARY; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND ALL THEIR DEPUTIES SHALL HAVE THE SAME POLICE POWERS AS SHERIFFS AND DEPUTY SHERIFFS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE MAY ENTER INTO RECIPROCAL LAW ENFORCEMENT AGREEMENTS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND THEIR DEPUTIES MUST DEMONSTRATE KNOWLEDGE OF THE DUTIES OF LAW ENFORCEMENT OFFICERS OR UNDERGO TRAINING REQUIRED OF OFFICERS OF THE SOUTH CAROLINA STATE POLICE; AND TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE OFFICERS; TO AMEND SECTION 10-1-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE CAPITOL POLICE FORCE SHALL PROVIDE SECURITY SERVICES FOR ALL USES OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL GROUNDS; TO AMEND CHAPTER 11 OF TITLE 10 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976,

TO PROVIDE THAT THE PARKING LOTS ON THE CAPITOL GROUNDS AND AT THE SUPREME COURT BUILDING SHALL BE POLICED BY THE CAPITOL POLICE FORCE; TO DELETE SECTION 10-11-90, RELATING TO NIGHT WATCHMEN AND POLICEMEN EMPLOYED BY THE BUDGET AND CONTROL BOARD, TO AMEND SECTIONS 10-11-90 AND 10-11-100, RELATING TO NIGHT WATCHMEN; TO AMEND SECTION 10-11-110, RELATING TO TRAFFIC AND PARKING, TO PROVIDE THAT THE CAPITOL POLICE FORCE HAS THE RIGHT TO ISSUE PARKING TICKETS; TO AMEND SECTION 10-11-130, REMOVING REFERENCES TO THE CITY OF COLUMBIA RECORDER AND VESTING JURISDICTION IN CRIMINAL MATTERS IN MAGISTRATE'S COURT; TO DELETE SECTION 10-11-150, RELATING TO THE STATE HOUSE RENOVATION PROJECT; AND TO AMEND SECTION 10-11-310, RELATING TO THE DEFINITION OF CAPITOL GROUNDS; TO INCLUDE THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT; AND TO ADD SECTION 14-3-135 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY CREATING THE MARSHAL OF THE SUPREME COURT AND TO DEFINE HIS DUTIES.

Summary of Bill:

This bill creates the Capitol Police Force as a separate agency for the State House, its' grounds, the Supreme Court building, parking lots, employees and visitors. The bill also creates a Capitol Police Force Committee composed of three members of the House appointed by the Speaker, three members of the Senate appointed by the President Pro Tempore, three members appointed by the Chief Justice, and the Director of General Services serving as a non-voting member. It transfers certain areas of responsibility from the Bureau of Protective Services to the new agency for the areas defined in the bill including a provision for a Marshall for the Supreme Court. The transfer excludes the duties of BPS regarding the security of the Governor, his staff and offices and other state office buildings in the Columbia area. The Committee is to appoint a Chief of the Capitol Police Force to serve at the pleasure of the Committee. The bill defines the areas of responsibility for each Sergeant of Arms and does not change their duties or method of appointment. The officers of the Police Force are to protect persons and property, preserve order, prevent unlawful assemblies, enforce trespass laws and other laws, provide security services for parking and garages, enforce the laws of the State and arrest offenders. The Appropriations Bill for FY 09-10 provides for the funding of this agency as defined in the bill.

Introduced: 3/2/2009

Received by Ways and Means: 3/2/2009

Estimated Fiscal Impact:

No additional expenditures or savings are expected per the Office of State Budget. The Appropriations Bill for FY 09-10 provides for the transfer of funds to the new agency and to the Judicial Department for the provision of officers and two support staff to implement the provisions of this bill. The Chief shall employ deputies and other employees. A total of \$1,990,624 is

transferred in the bill from DPS, SLED, and Lt. Governor's Office to the new agency to provide for the security and 2 support staff needed to implement the bill.

Subcommittee Recommendation: Favorable with Amendment- Strike and Insert- summary attached

Full Committee Recommendation: Pending

Other Notes/Comments:

**HOUSE
AMENDMENT**

**THIS AMENDMENT
ADOPTED**

**DRAFFIN/KUBALA
MAY 13, 2009**

CLERK OF THE HOUSE

**HOUSE WAYS AND MEANS COMMITTEE PROPOSES THE
FOLLOWING AMENDMENT No. TO S. 576
(COUNCIL\GJK\20355SD09):**

REFERENCE IS TO PRINTER'S DATE 4/1/09-S.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

**/SECTION 1. TITLE 2 OF THE 1976 CODE IS
AMENDED BY ADDING:**

“CHAPTER 4

CAPITOL SECURITY FORCE

SECTION 2-4-10. (A) IN ORDER TO PROVIDE ADEQUATE POLICE PROTECTION FOR THE STATE HOUSE, THE CAPITOL GROUNDS, AND ALL EMPLOYEES AND VISITORS THERETO, THERE IS HEREBY ESTABLISHED THE CAPITOL SECURITY FORCE.

(B) THE CAPITOL SECURITY FORCE SHALL CONSIST OF THE FOLLOWING:

(1)THE CAPITOL SECURITY FORCE AS DESCRIBED IN THIS CHAPTER;

(2)THE SERGEANT AT ARMS OF THE SENATE AS DESCRIBED IN CHAPTER 3 OF TITLE 2; AND

(3)THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES AS DESCRIBED IN CHAPTER 3, TITLE 2.

SECTION 2-4-20. THE FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES, AND AUTHORITY EXERCISED BY THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PROTECTIVE SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS, IN ALL STATE BUILDINGS AND PARKING LOTS AND GARAGES ON OR AROUND THE CAPITOL GROUNDS, AS DEFINED IN SECTION 10-11-310, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED POSITIONS CURRENTLY HELD BY DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PROTECTIVE

SERVICES EMPLOYEES WHOSE DUTIES INVOLVE PROVIDING SECURITY SERVICES, OR THE SUPERVISION OR SUPPORT OF THE PROVISION OF SECURITY SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS, AND IN ALL STATE BUILDINGS AND PARKING LOTS AND GARAGES ON OR AROUND THE CAPITOL GROUNDS, AND ALL REAL AND PERSONAL PROPERTY AND EQUIPMENT USED IN THE PROVISION OF SUCH SECURITY SERVICES, ARE TRANSFERRED TO AND DEVOLVED ON THE CAPITOL SECURITY FORCE. THIS TRANSFER EXCLUDES THOSE POWERS, DUTIES, RESPONSIBILITIES, AND AUTHORITY RELATED TO THE PROVISION OF SECURITY FOR THE GOVERNOR, THE GOVERNOR'S STAFF, AND THAT PART OF THE STATE HOUSE RESERVED FOR THE EXECUTIVE CHAMBER AND THE OFFICES OF THE GOVERNOR'S STAFF.

SECTION 2-4-30. (A) THE CAPITOL SECURITY FORCE SHALL CONSIST OF:

(1) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE AND SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS HE MAY EMPLOY PURSUANT TO THIS CHAPTER;

(2) THE SERGEANT AT ARMS OF THE SENATE AND SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS PROVIDED IN CHAPTER 3 OF TITLE 2; AND

(3) THE SERGEANT AT ARMS OF THE HOUSE AND SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS PROVIDED IN CHAPTER 3, TITLE 2.

(B) THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE, AND THEIR DEPUTY OFFICERS SHALL HAVE EXCLUSIVE CARE AND CHARGE OVER THOSE AREAS OF THE STATE HOUSE DESCRIBED IN SECTION 2-3-100, AND SHALL HAVE PRIMARY CARE AND CHARGE OVER THOSE BUILDINGS ON THE CAPITOL GROUNDS WHERE THEIR RESPECTIVE MEMBERS' OFFICES AND COMMITTEE MEETING ROOMS ARE LOCATED, AND SHALL HAVE PRIMARY RESPONSIBILITY FOR PROVIDING SECURITY SERVICES FOR THEIR

RESPECTIVE MEMBERS ATTENDING PUBLIC MEETINGS LOCATED OUTSIDE THE STATE HOUSE AND THE CAPITOL GROUNDS. AT PUBLIC MEETINGS ATTENDED BY THEIR RESPECTIVE MEMBERS, THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE, AND THEIR DEPUTY OFFICERS SHALL BE ASSISTED BY LOCAL LAW ENFORCEMENT AS NEEDED.

SECTION 2-4-40. (A) THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT A SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE WHO SHALL SERVE AT THE PLEASURE OF THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE AND MAY BE REMOVED FROM OFFICE BY THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE AT THEIR DISCRETION.

(B) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE SHALL HAVE THE AUTHORITY TO HIRE AND DISCHARGE ALL OFFICERS AND EMPLOYEES OF THE CAPITOL SECURITY FORCE WITH THE APPROVAL OF THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE WITHIN FUNDS AS MAY BE AUTHORIZED BY THE GENERAL ASSEMBLY.

(C) ALL OFFICERS AND EMPLOYEES OF THE CAPITOL SECURITY FORCE, INCLUDING THOSE CLASSIFIED EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY AND BUREAU OF PROTECTIVE SERVICES TRANSFERRED TO THE CAPITOL SECURITY FORCE AS PROVIDED BY THIS CHAPTER SHALL BE 'AT-WILL' EMPLOYEES.

SECTION 2-4-50. (A) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE SHALL:

(1) ADOPT RULES AND REGULATIONS NECESSARY TO ORGANIZE AND PROVIDE FOR THE OPERATION OF THE CAPITOL SECURITY FORCE, SUBJECT TO REVIEW AND APPROVAL OF THE

SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE;

(2) EMPLOY SUCH OFFICERS AND OTHER EMPLOYEES AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS CHAPTER; AND

(3) APPLY FOR AND ACCEPT, WITH THE APPROVAL OF THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE, ANY GRANTS OR OTHER AVAILABLE FORMS OF REVENUE, BOTH PUBLIC AND PRIVATE, THAT WILL ASSIST IN FUNDING THE PROVISION OF SECURITY SERVICES ON THE CAPITOL GROUNDS AND THE STATE HOUSE.

SECTION 2-4-60. (A) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THEIR DEPUTY OFFICERS SHALL HAVE THE SAME ARREST POWER AND POWER TO SERVE CRIMINAL PROCESSES AGAINST OFFENDERS AS OFFICERS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND ALSO THE SAME POWER AS SUCH OFFICERS TO ARREST WITHOUT WARRANTS AND TO DETAIN PERSONS FOUND VIOLATING OR ATTEMPTING TO VIOLATE ANY LAWS OF THE STATE. THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THEIR DEPUTY OFFICERS ALSO SHALL HAVE THE SAME POWER AND AUTHORITY HELD BY OFFICERS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION FOR THE ENFORCEMENT OF THE CRIMINAL LAWS OF THE STATE.

(B) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE IS AUTHORIZED TO ENTER INTO WRITTEN AGREEMENTS WITH OTHER LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSE OF CRIMINAL INVESTIGATIONS PURSUANT TO SECTION 23-1-215.

(C) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE ARE REQUIRED TO BE KNOWLEDGEABLE AS TO

THE DUTIES AND RESPONSIBILITIES OF A LAW ENFORCEMENT OFFICER OR ARE REQUIRED TO UNDERGO TRAINING IN THIS FIELD AS IS REQUIRED OF OFFICERS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION. ALL DEPUTY OFFICERS ARE REQUIRED TO FURNISH EVIDENCE TO THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE THAT THEY ARE KNOWLEDGEABLE AS TO THE DUTIES AND RESPONSIBILITIES OF A LAW ENFORCEMENT OFFICER OR ARE REQUIRED TO UNDERGO TRAINING IN THIS FIELD AS IS REQUIRED OF OFFICERS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

(D) THE CHIEF OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, SHALL PROVIDE ANNUAL TRAINING TO THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE AND THEIR DEPUTY OFFICERS.

(E) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE SHALL REQUEST ASSISTANCE IN PROVIDING SECURITY SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS FOR SPECIAL EVENTS AND AT ANY TIME WHEN, IN THE DISCRETION OF THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, IT IS REQUIRED. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE CHIEF OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, THE CHIEF OF THE CITY OF COLUMBIA POLICE, AND ANY OTHER LAW ENFORCEMENT AGENCY, MUST PROVIDE ASSISTANCE WHEN REQUESTED BY THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE.

(F) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE SHALL COORDINATE CRIMINAL INVESTIGATIONS CONDUCTED ON THE CAPITOL GROUNDS WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, AND SHALL REQUEST ITS ASSISTANCE WITH CRIMINAL INVESTIGATIONS, WHEN, IN THE DISCRETION OF THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, IT IS

APPROPRIATE. THE CHIEF OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION MUST PROVIDE ASSISTANCE IN CRIMINAL INVESTIGATIONS WHEN REQUESTED BY THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE.

SECTION 2-4-70. (A) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE, THE SERGEANT AT ARMS OF THE SENATE, AND THE SERGEANT AT ARMS OF THE HOUSE AND THEIR DEPUTY OFFICERS SHALL:

(1) PROTECT PERSONS AND PROPERTY AT THE STATE HOUSE AND CAPITOL GROUNDS, IN ALL STATE BUILDINGS AND PARKING LOTS AND GARAGES ON OR AROUND THE CAPITOL GROUNDS, AS DEFINED IN SECTION 10-11-310;

(2) PRESERVE AND MAINTAIN PROPER ORDER AND DECORUM;

(3) PREVENT UNLAWFUL ASSEMBLIES AND DISORDERLY CONDUCT;

(4) ENFORCE THE LAWS PERTAINING TO TRESPASS AND OTHER OFFENSES PROVIDED FOR IN CHAPTER 11 OF TITLE 10;

(5) PROVIDE SECURITY SERVICES FOR ALL PERSONS AND PROPERTY INVOLVED IN THE OPERATION AND PARKING OF MOTOR VEHICLES IN STATE PARKING LOTS AND GARAGES ON OR AROUND THE CAPITOL GROUNDS; AND

(6) ENFORCE THE LAWS OF THE STATE OF SOUTH CAROLINA AND ARREST, WITH OR WITHOUT WARRANT, ANY PERSON UPON OR IN THE AREAS DESCRIBED IN THIS SECTION WHO IS OR IS REASONABLY BELIEVED TO BE COMMITTING AN OFFENSE AGAINST ANY LAWS OF THE STATE OF SOUTH CAROLINA, AND TO DELIVER THE PERSON TO ANY COURT OF COMPETENT JURISDICTION TO BE DEALT WITH ACCORDING TO THE LAW.

(B) THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE AND HIS DEPUTY OFFICERS SHALL HAVE PRIMARY CARE AND CHARGE OVER THOSE AREAS OF THE STATE HOUSE AND THE CAPITOL

GROUND NOT RESERVED TO THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE PURSUANT TO SECTION 2-4-30. ADDITIONALLY, THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE AND HIS DEPUTY OFFICERS SHALL HAVE AUTHORITY TO PATROL AND RESPOND TO SECURITY OR LAW ENFORCEMENT RELATED MATTERS IN ANY AREA LOCATED WITHIN A ONE BLOCK RADIUS BEYOND THE CAPITOL GROUNDS, AS DEFINED IN SECTION 2-4-80.

SECTION 2-4-80. FOR PURPOSES OF THIS CHAPTER, ‘CAPITOL GROUNDS’ SHALL MEANS THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA.”

SECTION 2. SECTION 10-1-30 OF THE 1976 CODE, AS LAST AMENDED BY ACT 628 OF 1988, IS FURTHER AMENDED TO READ:

“SECTION 10-1-30. (A) THE DIRECTOR OF THE DIVISION OF GENERAL SERVICES OF THE STATE BUDGET AND CONTROL BOARD MAY AUTHORIZE THE USE OF THE STATE HOUSE LOBBIES, THE STATE HOUSE STEPS AND GROUNDS, AND OTHER PUBLIC BUILDINGS AND GROUNDS IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE BOARD.

(B) THE DIRECTOR SHALL OBTAIN THE APPROVAL OF THE CLERK OF THE SENATE BEFORE AUTHORIZING ANY USE OF THE GRESSETTE BUILDING AND SHALL OBTAIN THE APPROVAL OF THE CLERK OF THE HOUSE OF REPRESENTATIVES BEFORE AUTHORIZING ANY USE OF THE BLATT BUILDING.

(C) THE REGULATIONS MUST CONTAIN PROVISIONS TO INSURE THAT THE PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED IN THE USE OF THE AREAS INCLUDING REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS AND APPLICATION PERIODS

BEFORE USE. IF SUFFICIENT MEASURES CANNOT BE TAKEN TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, THE DIRECTOR SHALL DENY THE REQUESTED USE. OTHER RESTRICTIONS MAY BE IMPOSED ON THE USE OF THE AREAS AS ARE NECESSARY FOR THE CONDUCT OF BUSINESS IN THOSE AREAS AND THE MAINTENANCE OF THE DIGNITY, DECORUM, AND AESTHETICS OF THE AREAS.

(D) THE CAPITOL SECURITY FORCE SHALL PROVIDE SECURITY SERVICES FOR ALL USES OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL GROUNDS, EXCEPT AS LIMITED BY SECTION 2-4-20. THE DIRECTOR SHALL CONSULT WITH THE SECURITY COORDINATOR OF THE CAPITOL SECURITY FORCE REGARDING SECURITY ISSUES PRIOR TO AUTHORIZING THE USE OF OR THE PLACEMENT OF RESTRICTIONS ON THE USE OF THE STATE HOUSE LOBBIES, STEPS, OR GROUNDS, OR PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL GROUNDS.”

SECTION 3. CHAPTER 11 OF TITLE 10 OF THE 1976 CODE IS AMENDED TO READ:

“CHAPTER 11

TRESPASSES AND OFFENSES

ARTICLE 1

GENERAL PROVISIONS

SECTION 10-11-10. IT SHALL BE UNLAWFUL FOR ANY PERSON, WITHOUT THE PERMISSION OF THE STATE BUDGET AND CONTROL BOARD OR A MEMBER OF THAT BOARD, TO ENTER UPON OR WALK UPON THE ROOF OF THE STATE HOUSE. ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE PUNISHED BY A FINE OF NOT

MORE THAN ONE HUNDRED DOLLARS OR IMPRISONED FOR NOT MORE THAN THIRTY DAYS ~~ON THE PUBLIC WORKS OF RICHLAND COUNTY FOR~~ EACH OFFENSE.

SECTION 10-11-20. IT SHALL BE UNLAWFUL TO USE THE STATE HOUSE OR CAPITOL GROUNDS FOR ANY PURPOSE NOT AUTHORIZED BY LAW. ANY VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT EXCEEDING THIRTY DAYS OR BY A FINE OF NOT OVER ONE HUNDRED DOLLARS.

SECTION 10-11-30. IT SHALL BE UNLAWFUL FOR ANY PERSON TO TRESPASS UPON THE GRASS PLOTS OR FLOWER BEDS OF THE CAPITOL GROUNDS OF THE STATE HOUSE OR OF THE GOVERNOR'S MANSION, OR OF THE GROUNDS SURROUNDING ANY OF THE STATE OFFICE BUILDINGS LOCATED IN THE AREA BOUNDED BY ASSEMBLY, GERVAIS, BULL, AND PENDLETON STREETS IN THE CITY OF COLUMBIA, TO DAMAGE OR DEFACE ANY OF THE BUILDINGS, OR TO CUT DOWN, DEFACE, MUTILATE, OR OTHERWISE INJURE ANY OF THE STATUES, TREES, SHRUBS, GRASSES, OR FLOWERS ON THE GROUNDS OR COMMIT ANY OTHER TRESPASS UPON ANY PROPERTY OF THE STATE, REAL OR PERSONAL, LOCATED THEREON.

SECTION 10-11-40. IT SHALL BE UNLAWFUL FOR ANY PERSON, EXCEPT STATE OFFICERS AND EMPLOYEES AND PERSONS HAVING LAWFUL BUSINESS ~~IN THE BUILDINGS~~ ON THE CAPITOL GROUNDS, TO USE ANY OF THE DRIVEWAYS, ALLEYS, OR PARKING SPACES UPON ANY OF THE PROPERTY OF THE STATE, ~~BOUNDED BY ASSEMBLY, GERVAIS, BULL AND PENDLETON STREETS IN THE CITY OF COLUMBIA~~ WITHIN THE CAPITOL GROUNDS, UPON ANY REGULAR WEEKDAY, SATURDAYS AND HOLIDAYS EXCEPTED, BETWEEN THE HOURS OF EIGHT-THIRTY

A.M. AND FIVE-THIRTY P.M., WHENEVER THE BUILDINGS ARE OPEN FOR BUSINESS.

SECTION 10-11-50. IT SHALL BE UNLAWFUL FOR ANYONE TO PARK ANY VEHICLE ON ANY OF THE PROPERTY DESCRIBED IN SECTION 10-11-40 AND SUBSECTION ~~(2)~~ (B) OF SECTION 10-11-80 EXCEPT IN THE SPACES AND MANNER NOW MARKED AND DESIGNATED OR THAT MAY HEREAFTER BE MARKED AND DESIGNATED BY THE STATE BUDGET AND CONTROL BOARD, IN COOPERATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE CAPITOL SECURITY FORCE, OR TO BLOCK OR IMPEDE TRAFFIC THROUGH THE ALLEYS AND DRIVEWAYS.

SECTION 10-11-60. IT SHALL BE UNLAWFUL TO OPERATE A MOTOR VEHICLE ON ANY OF THE PROPERTY DESCRIBED IN SECTION 10-11-40 AND SUBSECTION ~~(2)~~ (B) OF SECTION 10-11-80 AT A SPEED IN EXCESS OF TEN MILES PER HOUR. ALL OF THE STATE LAWS REGULATING TRAFFIC UPON THE HIGHWAYS AND STREETS SHALL APPLY TO THE OPERATION OF MOTOR VEHICLES WITHIN THE AREA, EXCEPT AS MODIFIED HEREBY.

SECTION 10-11-70. ALL OF THE GENERAL CRIMINAL LAWS OF THE STATE ARE HEREBY DECLARED TO BE IN FULL FORCE AND EFFECT WITHIN THE AREA DESCRIBED IN SECTIONS 10-11-30 AND 10-11-40 AND SUBSECTION ~~(2)~~ (B) OF SECTION 10-11-80.

SECTION 10-11-80. ~~(1)~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PARKING LOTS WHICH ARE SITUATED ON THE PROPERTY OF THE STATE SHALL BE RESERVED FOR THE EMPLOYEES OF THE STATE. THE PARKING LOTS REFERRED TO BY THIS SECTION SHALL BE POLICED BY THE DEPARTMENT OF PUBLIC SAFETY AND NO PERSON NOT AUTHORIZED BY THIS SECTION SHALL BE ALLOWED TO OCCUPY SUCH PARKING LOTS. PARKING LOTS REFERRED

TO IN THIS SECTION ARE CONFINED TO THOSE LOCATED IN THE CITY OF COLUMBIA.

~~(2)(B) THE PARKING LOT LOTS LOCATED ON THE CORNER OF MAIN AND SENATE STREETS SHALL BE RESERVED EXCLUSIVELY FOR MEMBERS OF THE GENERAL ASSEMBLY, THE CLERKS, CHAPLAINS, SERGEANTS AT ARMS, READING CLERKS OF BOTH HOUSES AND THE CODE COMMISSIONER DURING SUCH TIME AS THE LEGISLATURE IS IN SESSION, AFTER WHICH IT SHALL BE RESERVED AS OTHER STATE PARKING LOTS. LOCATED UPON, AROUND, OR UNDER ANY OF THE PROPERTY OF THE STATE BOUNDED BY ASSEMBLY, GERVAIS, SUMTER, AND PENDLETON STREETS IN THE CITY OF COLUMBIA, SHALL BE POLICED BY THE CAPITOL SECURITY FORCE, AND NO PERSON NOT AUTHORIZED BY THIS SECTION SHALL BE ALLOWED TO OCCUPY SUCH PARKING LOTS. THE USE OF THIS LOT THESE LOTS BY UNAUTHORIZED PERSONS SHALL CONSTITUTE A MISDEMEANOR, PUNISHABLE AS PROVIDED FOR IN SECTION 10-11-120.~~

~~SECTION 10-11-90. THE WATCHMEN AND POLICEMEN EMPLOYED BY THE BUDGET AND CONTROL BOARD FOR THE PROTECTION OF THE PROPERTY DESCRIBED IN SECTIONS 10-11-30 AND 10-11-40 AND SUBSECTION (2) OF SECTION 10-11-80 ARE HEREBY VESTED WITH ALL OF THE POWERS, PRIVILEGES AND IMMUNITIES OF CONSTABLES WHILE ON THIS AREA OR IN FRESH PURSUIT OF THOSE VIOLATING THE LAW IN THIS AREA, PROVIDED THAT SUCH WATCHMEN AND POLICEMEN TAKE AND FILE THE OATH REQUIRED OF PEACE OFFICERS, EXECUTE AND FILE BOND IN THE FORM REQUIRED OF STATE CONSTABLES, IN THE AMOUNT OF ONE THOUSAND DOLLARS, WITH THE BUDGET AND CONTROL BOARD, AND BE DULY COMMISSIONED BY THE GOVERNOR.~~

~~SECTION 10-11-100. IN ADDITION TO THE ENFORCEMENT OF SECTIONS 10-11-30 TO 10-11-70 AND SUBSECTION (2) OF SECTION~~

~~10-11-80 BY THE WATCHMEN MENTIONED IN SECTION 10-11-90, ALL~~
ALL LAWFUL HIGHWAY PATROLMEN AND POLICE OFFICERS OF THE
CITY OF COLUMBIA MAY ENFORCE THE CRIMINAL LAWS OF THIS STATE
AND THE PROVISIONS OF SUCH SECTIONS AND SUBSECTION WITHIN THE
AREA DESCRIBED IN SECTIONS 10-11-30 AND 10-11-40 AND SUBSECTION
(2) (B) OF SECTION 10-11-80.

SECTION 10-11-110. IN CONNECTION WITH TRAFFIC AND
PARKING VIOLATIONS ONLY, ~~THE WATCHMEN AND POLICEMEN~~
~~REFERRED TO IN SECTION 10-11-90~~ THE CAPITOL SECURITY FORCE,
STATE HIGHWAY PATROLMEN AND POLICEMEN OF THE CITY OF
COLUMBIA SHALL HAVE THE RIGHT TO ISSUE AND USE PARKING
TICKETS OF THE TYPE USED BY THE CITY OF COLUMBIA, WITH SUCH
CHANGES AS ARE NECESSITATED HEREBY, TO BE PREPARED AND
FURNISHED BY THE BUDGET AND CONTROL BOARD, UPON THE
ISSUANCE OF WHICH THE PROCEDURES SHALL BE FOLLOWED AS
PREVAIL IN CONNECTION WITH THE USE OF PARKING TICKETS BY THE
CITY OF COLUMBIA. NOTHING HEREIN SHALL RESTRICT THE
APPLICATION AND USE OF REGULAR ARREST WARRANTS.

SECTION 10-11-120. THE VIOLATION OF ANY OF THE
PROVISIONS OF SECTIONS 10-11-40 TO 10-11-60 AND SUBSECTION ~~(2)~~
(B) OF SECTION 10-11-80 SHALL CONSTITUTE A MISDEMEANOR AND,
UPON CONVICTION THEREOF, THE OFFENDER SHALL BE PUNISHED BY A
FINE OF NOT MORE THAN ONE HUNDRED DOLLARS OR IMPRISONMENT
FOR NOT MORE THAN THIRTY DAYS. THE PENALTIES FOR VIOLATION
OF ANY OF THE OTHER CRIMINAL LAWS OF THE STATE SHALL BE AS
PROVIDED FOR BY LAW.

SECTION 10-11-130. ~~THE RECORDER OF THE CITY OF~~
~~COLUMBIA AND THE MAGISTRATE OF THE COLUMBIA DISTRICT ARE~~
~~HEREBY SEPARATELY~~ MUNICIPAL JUDGES OF THE CITY OF COLUMBIA

AND THE RICHLAND COUNTY MAGISTRATE ARE VESTED WITH ALL JURISDICTION NECESSARY TO HEAR, TRY, AND DETERMINE CRIMINAL CASES INVOLVING ANY VIOLATIONS OF SECTIONS 10-11-30 TO 10-11-120 WHERE THE PUNISHMENT DOES NOT EXCEED A FINE OF ONE HUNDRED DOLLARS OR IMPRISONMENT OF THIRTY DAYS THE JURISDICTIONAL LIMITS OF MUNICIPAL COURT OR MAGISTRATE'S COURT.

SECTION 10-11-140. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO ABRIDGE THE AUTHORITY OF THE STATE BUDGET AND CONTROL BOARD TO GRANT PERMISSION TO USE THE STATE HOUSE GROUNDS FOR EDUCATIONAL, ELECTRICAL DECORATIONS, AND SIMILAR PURPOSES.

~~SECTION 10-11-150. IN ORDER TO PRESERVE PUBLIC SAFETY AND PROVIDE APPROPRIATE STAGING SPACE IN THE AREAS ADJACENT TO THE CAPITOL COMPLEX DURING THE PERIOD OF THE STATE HOUSE RENOVATION PROJECT, NOTWITHSTANDING ANY PROVISION OF LAW OR ORDINANCE TO THE CONTRARY, THE DEPARTMENT OF TRANSPORTATION IS EMPOWERED AND DIRECTED TO TAKE APPROPRIATE STEPS REGARDING TRAFFIC ROUTING AND FLOW AND PEDESTRIAN ACCESS IN THE AREA AROUND THE CAPITOL COMPLEX AS DIRECTED BY THE COMMITTEE ESTABLISHED BY SECTION 2 OF AN ACT OF 1995 BEARING RATIFICATION NO. 62.~~

ARTICLE 3

OFFENSES ON CAPITOL GROUNDS AND IN CAPITOL BUILDING STATE HOUSE

SECTION 10-11-310. AS USED IN THIS ARTICLE, 'CAPITOL GROUNDS' SHALL BE THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, SENATE PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA.

SECTION 10-11-315. IT IS UNLAWFUL FOR A PERSON TO WILFULLY AND MALICIOUSLY DEFACE, VANDALIZE, DAMAGE, OR DESTROY OR ATTEMPT TO DEFACE, VANDALIZE, DAMAGE, OR DESTROY ANY MONUMENT, FLAG, FLAG SUPPORT, MEMORIAL, FENCE, OR STRUCTURE LOCATED ON THE CAPITOL GROUNDS, AND A PERSON CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE PUNISHED PURSUANT TO THE PROVISIONS OF SECTION 10-11-360.

SECTION 10-11-320. (A) IT IS UNLAWFUL FOR ANY PERSON OR GROUP OF PERSONS TO:

(1) CARRY OR HAVE READILY ACCESSIBLE TO THE PERSON UPON THE CAPITOL GROUNDS OR WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE ANY FIREARM OR DANGEROUS WEAPON; OR

(2) DISCHARGE ANY FIREARM OR TO USE ANY DANGEROUS WEAPON UPON THE CAPITOL GROUNDS OR WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE.

(B) THIS SECTION DOES NOT APPLY TO A PERSON WHO POSSESSES A CONCEALABLE WEAPONS' PERMIT PURSUANT TO ARTICLE 4, CHAPTER 31, TITLE 23 AND IS AUTHORIZED TO PARK ON THE CAPITOL GROUNDS OR IN THE PARKING GARAGE BELOW THE CAPITOL GROUNDS. THE FIREARM MUST REMAIN LOCKED IN THE PERSON'S VEHICLE WHILE ON OR BELOW THE CAPITOL GROUNDS AND MUST BE STORED IN A PLACE IN THE VEHICLE THAT IS NOT READILY ACCESSIBLE TO ANY PERSON UPON ENTRY TO OR BELOW THE CAPITOL GROUNDS, EXCEPT FOR THOSE PERSONS NAMED IN SECTION 23-31-240 WHO MAY CARRY CONCEALABLE WEAPONS ANYWHERE WITHIN THE STATE WHEN

CARRYING OUT THE DUTIES OF THEIR OFFICE, IF THEY POSSESS A VALID PERMIT.

SECTION 10-11-325. (A) IT IS UNLAWFUL FOR A PERSON KNOWINGLY TO POSSESS, HAVE READILY ACCESSIBLE TO THE PERSON, OR TRANSPORT BY ANY MEANS UPON THE CAPITOL GROUNDS OR WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE ANY EXPLOSIVE, DESTRUCTIVE DEVICE, OR INCENDIARY DEVICE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE IMPRISONED FOR NOT LESS THAN TWO YEARS NOR MORE THAN FIFTEEN YEARS.

(B) IT IS UNLAWFUL FOR A PERSON INTENTIONALLY TO DETONATE AN EXPLOSIVE OR DESTRUCTIVE DEVICE OR IGNITE ANY INCENDIARY DEVICE UPON THE CAPITOL GROUNDS OR WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY AND, UPON CONVICTION:

(1) IN CASES RESULTING IN THE DEATH OF ANOTHER PERSON WHERE THERE WAS MALICE AFORETHOUGHT, MUST BE PUNISHED BY DEATH, BY IMPRISONMENT FOR LIFE, OR BY A MANDATORY MINIMUM TERM OF IMPRISONMENT FOR THIRTY YEARS;

(2) IN CASES RESULTING IN THE DEATH OF ANOTHER PERSON WHERE THERE WAS ~~NOT~~ NO MALICE AFORETHOUGHT, MUST BE IMPRISONED NOT LESS THAN TWO YEARS NOR MORE THAN THIRTY YEARS;

(3) IN CASES RESULTING IN INJURY TO A PERSON, MUST BE IMPRISONED FOR NOT LESS THAN TEN YEARS NOR MORE THAN TWENTY-FIVE YEARS;

(4) IN CASES RESULTING IN DAMAGE TO A BUILDING OR OTHER REAL OR PERSONAL PROPERTY, MUST BE IMPRISONED FOR NOT LESS THAN TWO YEARS NOR MORE THAN TWENTY-FIVE YEARS.

SECTION 10-11-330. IT SHALL BE UNLAWFUL FOR ANY PERSON OR GROUP OF PERSONS WILLFULLY AND KNOWINGLY: (A) TO ENTER OR TO REMAIN WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE UNLESS SUCH PERSON IS AUTHORIZED BY LAW OR BY RULES OF THE HOUSE OR SENATE, ~~OR OF THE STATE BUDGET AND CONTROL BOARD, OR THE~~ CAPITOL SECURITY FORCE, WHEN SUCH ENTRY IS DONE FOR THE PURPOSE OF UTTERING LOUD, THREATENING, AND ABUSIVE LANGUAGE OR TO ENGAGE IN ANY DISORDERLY OR DISRUPTIVE CONDUCT WITH THE INTENT TO IMPEDE, DISRUPT, OR DISTURB THE ORDERLY CONDUCT OF ANY SESSION OF THE LEGISLATURE OR THE ORDERLY CONDUCT WITHIN THE BUILDING OR OF ANY HEARING BEFORE OR ANY DELIBERATION OF ANY COMMITTEE OR SUBCOMMITTEE OF THE LEGISLATURE; (B) TO OBSTRUCT OR TO IMPEDE PASSAGE WITHIN THE CAPITOL GROUNDS OR ~~BUILDING~~ STATE HOUSE; (C) TO ENGAGE IN ANY ACT OF PHYSICAL VIOLENCE UPON THE CAPITOL GROUNDS OR WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE; OR (D) TO PARADE, DEMONSTRATE, OR PICKET WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE.

SECTION 10-11-340. NOTHING CONTAINED IN THIS ARTICLE PROHIBITS ANY OFFICER OR EMPLOYEE OR PERSONS OTHERWISE AUTHORIZED AND REQUIRED TO PERFORM DUTIES WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE FROM PERFORMING THEIR NORMAL DUTIES, INCLUDING THE CARRYING OF FIREARMS, EXCEPT AS MAY BE LIMITED BY THE RULES OF EITHER HOUSE WITHIN THEIR RESPECTIVE CHAMBERS.

SECTION 10-11-350. NOTHING CONTAINED IN THIS ARTICLE SHALL PROHIBIT THE NORMAL, PEACEFUL ENTRY OF THE GENERAL PUBLIC UPON THE CAPITOL GROUNDS OR WITHIN THE ~~CAPITOL BUILDING~~ STATE HOUSE, SUBJECT ONLY TO LAWS OR RULES GOVERNING THAT PORTION OF THE CAPITOL GROUNDS WHICH MAY BE

**ENTERED AND THE HOURS DURING WHICH THE ~~CAPITOL BUILDING~~
STATE HOUSE SHALL BE OPEN.**

SECTION 10-11-360. A PERSON WHO VIOLATES THE PROVISIONS OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH. THE PENALTIES PROVIDED FOR IN THIS SECTION DO NOT APPLY TO SECTION 10-11-325.”

SECTION 4. (A) WHERE THE PROVISIONS OF THIS ACT TRANSFER PARTICULAR ENTITIES, SECTIONS, DIVISIONS, OR PORTIONS THEREOF OF ONE STATE AGENCY (TRANSFERRING AGENCY) TO ANOTHER STATE AGENCY OR ENTITY (RECEIVING AGENCY), THE EMPLOYEES, AUTHORIZED APPROPRIATIONS, AND REAL AND PERSONAL PROPERTY OF THE TRANSFERRING AGENCY ARE ALSO TRANSFERRED TO AND BECOME PART OF THE RECEIVING AGENCY UNLESS OTHERWISE SPECIFICALLY PROVIDED. ALL CLASSIFIED OR UNCLASSIFIED PERSONNEL OF THE TRANSFERRING AGENCY SHALL BECOME EMPLOYEES OF THE RECEIVING DEPARTMENT OR DIVISION, WITH THE SAME COMPENSATION AND DUTIES AS APPLICABLE BUT SHALL BE CONSIDERED UNCLASSIFIED “AT-WILL” EMPLOYEES UPON THE TRANSFER. THE STATE BUDGET AND CONTROL BOARD SHALL CAUSE ALL NECESSARY ACTIONS TO BE TAKEN TO ACCOMPLISH THIS TRANSFER AND SHALL IN CONSULTATION WITH THE AGENCY HEAD OF THE TRANSFERRING AND RECEIVING AGENCIES PRESCRIBE THE MANNER IN WHICH THE TRANSFER PROVIDED FOR IN THIS SECTION SHALL BE ACCOMPLISHED. THE BOARD’S ACTION IN FACILITATING THE PROVISIONS OF THIS SECTION ARE MINISTERIAL IN NATURE AND SHALL NOT BE CONSTRUED AS AN APPROVAL PROCESS OVER ANY OF THE TRANSFERS.

(B) EMPLOYEES OR PERSONNEL OF THE TRANSFERRING AGENCY TRANSFERRED TO OR MADE A PART OF THE RECEIVING AGENCY SHALL CONTINUE TO OCCUPY THE SAME OFFICE LOCATIONS AND FACILITIES WHICH THEY NOW OCCUPY UNLESS OR UNTIL OTHERWISE CHANGED BY APPROPRIATE ACTION AND AUTHORIZATION, AND SHALL MAINTAIN THEIR SENIORITY WITHIN THE TRANSFERRING AGENCY SHOULD THEY DECIDE TO REMAIN IN THEIR POSITIONS OR SUBSEQUENTLY APPLY FOR A POSITION BACK WITH THE TRANSFERRING AGENCY. THE RENT AND PHYSICAL PLANT OPERATING COSTS OF THESE OFFICES AND FACILITIES, IF ANY, SHALL CONTINUE TO BE PAID BY THE TRANSFERRING AGENCY UNTIL OTHERWISE PROVIDED BY THE GENERAL ASSEMBLY. THE RECORDS AND FILES OF THE TRANSFERRING AGENCY SHALL REMAIN THE PROPERTY OF THE TRANSFERRING AGENCY, EXCEPT THAT THE TRANSFERRED PERSONNEL SHALL HAVE COMPLETE ACCESS TO THESE RECORDS AND FILES IN THE PERFORMANCE OF THEIR DUTIES AS NEW EMPLOYEES OF THE RECEIVING AGENCY.

(C) ALL REMAINING COSTS NECESSARY FOR THE IMPLEMENTATION AND OPERATION OF THE CAPITOL SECURITY FORCE SHALL BE PROVIDED FOR BY THE GENERAL ASSEMBLY IN THE ANNUAL APPROPRIATIONS ACT.

SECTION 5. IF ANY SECTION, SUBSECTION, ITEM, SUBITEM, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS ACT IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, SUCH HOLDING SHALL NOT AFFECT THE CONSTITUTIONALITY OR VALIDITY OF THE REMAINING PORTIONS OF THIS ACT, THE GENERAL ASSEMBLY HEREBY DECLARING THAT IT WOULD HAVE PASSED THIS ACT, AND EACH AND EVERY SECTION, SUBSECTION, ITEM, SUBITEM, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, AND WORD THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE OTHER SECTIONS, SUBSECTIONS, ITEMS, SUBITEMS, PARAGRAPHS, SUBPARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS HEREOF

MAY BE DECLARED TO BE UNCONSTITUTIONAL, INVALID, OR OTHERWISE INEFFECTIVE.

SECTION 6. THIS ACT TAKES EFFECT JULY 1, 2009. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.

FISCAL IMPACT STATEMENT ON BILL NO. **S.576**

(Doc. No. jud0067.pl.docx)

TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Beth Quick, Rodney Grizzle, K. Earle Powell, Kenneth Brown		
DATE:	March 24, 2009	SBD:	2009316

AUTHOR:	Senator McConnell	PRIMARY CODE CITE:	2-4-10
SUBJECT:	Capitol Police Force		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

BILL SUMMARY:

Senate Bill 576 would establish the Capitol Police Force and to provide that the functions, powers, duties, and responsibilities exercised by the Department of Public Safety and the Bureau of Public Services at the State House and Capitol grounds and the Supreme Court Building including its grounds and parking lot be devolved and transferred to the Capitol Police Force.

EXPLANATION OF IMPACT:

Department of Public Safety

This Bill would result in the transfer of 20.00 FTE positions to the Capitol Police Force. Annual salary and fringe benefits, comprised of State and Other funds, for these positions total \$1,078,039. Operating expenses for these staff total \$21,687 annually. Other funds revenue derived from Detective Fees would be transferred to cover a portion of these costs. Equipment related to the transfer would include vehicles, uniforms and associated equipment, X-Ray machines and a metal detection system. Minimal incidental costs associated with signage and converting exterior identification decals for the Capital Police Force can be expected.

State Budget and Control Board

The Bill should have no impact on the State Budget and Control Board assuming sufficient funding and resources are transferred to the Capitol Police Force to cover expenses for the remainder of FY 2008-09 (see Section 5 of the Bill).

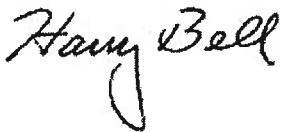
The Senate and House of Representatives

This Bill would have no impact on the Senate or House assuming sufficient funding and resources are transferred and appropriated to cover expenses associated with operating a Capitol Police Force.

Judicial Department

The Judicial Department is in the process of reviewing this Bill for any potential impact on the agency.

Approved by:



Harry Bell
Assistant Director, Office of State Budget

South Carolina General Assembly
118th Session, 2009-2010

S. 576

STATUS INFORMATION

General Bill

Sponsors: Senators McConnell, Malloy, Scott, Knotts and Ford

Document Path: I:\s-jud\bills\mcconnell\jud0067.pl.docx

Introduced in the Senate on March 12, 2009

Introduced in the House on April 2, 2009

Last Amended on April 1, 2009

Currently residing in the House Committee on **Ways and Means**

Summary: Capitol Police Force

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/12/2009	Senate	Introduced and read first time SJ-4
3/12/2009	Senate	Referred to Committee on Judiciary SJ-4
3/13/2009	Senate	Referred to Subcommittee: L.Martin (ch), Hutto, Knotts, Nicholson
3/25/2009	Senate	Committee report: Favorable with amendment Judiciary SJ-6
3/26/2009		Scrivener's error corrected
3/31/2009	Senate	Special order, set for March 31, 2009 SJ-31
4/1/2009	Senate	Committee Amendment Adopted SJ-29
4/1/2009	Senate	Amended SJ-29
4/1/2009	Senate	Read second time SJ-29
4/2/2009	Senate	Read third time and sent to House SJ-24
4/2/2009	House	Introduced and read first time HJ-125
4/2/2009	House	Referred to Committee on Ways and Means HJ-127
4/2/2009		Scrivener's error corrected

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VERSIONS OF THIS BILL

3/12/2009

3/25/2009

3/26/2009

4/1/2009

4/2/2009

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 COMMITTEE AMENDMENT ADOPTED AND AMENDED

5 April 1, 2009

6

7

S. 576

8

9 Introduced by Senators McConnell, Malloy, Scott and Knotts

10

11 S. Printed 4/1/09--S.

[SEC 4/2/09 3:36 PM]

12 Read the first time March 12, 2009.

13

1
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8

A BILL

9
10

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING CHAPTER 4 TO TITLE 2, SO AS TO
13 ESTABLISH THE CAPITOL POLICE FORCE, WHICH SHALL
14 CONSIST OF THE CAPITOL POLICE FORCE, THE
15 SERGEANT AT ARMS OF THE SENATE, THE SERGEANT
16 AT ARMS OF THE HOUSE, AND THE MARSHAL OF THE
17 SUPREME COURT; TO PROVIDE THAT THE FUNCTIONS,
18 POWERS, DUTIES, AND RESPONSIBILITIES EXERCISED
19 BY THE DEPARTMENT OF PUBLIC SAFETY AND THE
20 BUREAU OF PUBLIC SERVICES AT THE STATE HOUSE
21 AND CAPITOL GROUNDS AND THE SUPREME COURT
22 BUILDING INCLUDING ITS GROUNDS AND PARKING
23 LOT, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED
24 EMPLOYEES WHOSE DUTIES INVOLVE THE PROVISION
25 OF SECURITY SERVICES AT THE STATE HOUSE AND
26 CAPITOL GROUNDS AND THE SUPREME COURT
27 BUILDING INCLUDING ITS GROUNDS AND PARKING
28 LOT, BUT EXCLUDING THOSE AREAS OF THE STATE
29 HOUSE THAT ARE RESERVED FOR THE EXECUTIVE
30 CHAMBER AND THE GOVERNOR'S STAFF, BE
31 DEVOLVED AND TRANSFERRED TO THE CAPITOL
32 POLICE FORCE; TO PROVIDE THAT THE SERGEANT AT
33 ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF
34 THE HOUSE SHALL HAVE EXCLUSIVE CARE AND
35 CHARGE OVER THOSE AREAS DESCRIBED IN SECTION 2-
36 3-100, AND TO PROVIDE THAT THE MARSHAL OF THE
37 SUPREME COURT SHALL HAVE PRIMARY
38 RESPONSIBILITY OVER THE SUPREME COURT BUILDING
39 INCLUDING ITS GROUNDS AND PARKING LOT AND THE
40 CALHOUN BUILDING; TO PROVIDE FOR THE CREATION
41 OF THE CAPITOL POLICE FORCE COMMITTEE,
42 CONSISTING OF THREE MEMBERS OF THE SENATE

1 APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE
2 SENATE, THREE MEMBERS OF THE HOUSE APPOINTED
3 BY THE SPEAKER, AND THREE MEMBERS APPOINTED
4 BY THE CHIEF JUSTICE OF THE SUPREME COURT OF
5 SOUTH CAROLINA, AND TO PROVIDE THAT THE
6 DIRECTOR OF GENERAL SERVICES SHALL SERVE AS A
7 NON-VOTING EX OFFICIO MEMBER, TO PROVIDE FOR
8 THE DUTIES OF THE CAPITOL POLICE FORCE
9 COMMITTEE; TO PERMIT THE CHIEF OF THE CAPITOL
10 POLICE FORCE TO EMPLOY SUCH DEPUTY OFFICERS
11 AND OTHER EMPLOYEES AS NECESSARY; TO PROVIDE
12 THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE
13 SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE
14 MARSHAL OF THE SUPREME COURT, AND ALL THEIR
15 DEPUTIES SHALL HAVE THE SAME POLICE POWERS AS
16 SHERIFFS AND DEPUTY SHERIFFS; TO PROVIDE THAT
17 THE CHIEF OF THE CAPITOL POLICE FORCE MAY ENTER
18 INTO RECIPROCAL LAW ENFORCEMENT AGREEMENTS;
19 TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE
20 FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND
21 HOUSE, THE MARSHAL OF THE SUPREME COURT, AND
22 THEIR DEPUTIES MUST DEMONSTRATE KNOWLEDGE OF
23 THE DUTIES OF LAW ENFORCEMENT OFFICERS OR
24 UNDERGO TRAINING REQUIRED OF OFFICERS OF THE
25 SOUTH CAROLINA STATE POLICE; AND TO PROVIDE FOR
26 THE DUTIES OF THE CAPITOL POLICE FORCE OFFICERS;
27 TO AMEND SECTION 10-1-30 OF THE CODE OF LAWS OF
28 SOUTH CAROLINA, 1976, TO PROVIDE THAT THE
29 CAPITOL POLICE FORCE SHALL PROVIDE SECURITY
30 SERVICES FOR ALL USES OF THE STATE HOUSE
31 LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL
32 PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL
33 GROUNDS; TO AMEND CHAPTER 11 OF TITLE 10 OF THE
34 CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE
35 THAT THE PARKING LOTS ON THE CAPITOL GROUNDS
36 AND AT THE SUPREME COURT BUILDING SHALL BE
37 POLICED BY THE CAPITOL POLICE FORCE; TO DELETE
38 SECTION 10-11-90, RELATING TO NIGHT WATCHMEN
39 AND POLICEMEN EMPLOYED BY THE BUDGET AND
40 CONTROL BOARD, TO AMEND SECTIONS 10-11-90 AND
41 10-11-100, RELATING TO NIGHT WATCHMEN; TO AMEND
42 SECTION 10-11-110, RELATING TO TRAFFIC AND
43 PARKING, TO PROVIDE THAT THE CAPITOL POLICE

1 FORCE HAS THE RIGHT TO ISSUE PARKING TICKETS; TO
2 AMEND SECTION 10-11-130, REMOVING REFERENCES TO
3 THE CITY OF COLUMBIA RECORDER AND VESTING
4 JURISDICTION IN CRIMINAL MATTERS IN
5 MAGISTRATE'S COURT; TO DELETE SECTION 10-11-150,
6 RELATING TO THE STATE HOUSE RENOVATION
7 PROJECT; AND TO AMEND SECTION 10-11-310, RELATING
8 TO THE DEFINITION OF CAPITOL GROUNDS; TO
9 INCLUDE THE SUPREME COURT BUILDING INCLUDING
10 ITS GROUNDS AND PARKING LOT; AND TO ADD
11 SECTION 14-3-135 OF THE CODE OF LAWS OF SOUTH
12 CAROLINA, 1976, BY CREATING THE MARSHAL OF THE
13 SUPREME COURT AND TO DEFINE HIS DUTIES.

14 Amend Title To Conform

15

16 Be it enacted by the General Assembly of the State of South
17 Carolina:

18

19 SECTION 1. Title 2 of the 1976 Code is amended by adding:

20

21 "CHAPTER 4

22

23 Capitol Police Force

24

25 Section 2-4-10. (A) In order to provide adequate police
26 protection for the State House, the capitol grounds, and the
27 Supreme Court Building including its grounds and parking lot, and
28 all employees and visitors thereto, there is hereby established the
29 Capitol Police Force.

30 (B) The Capitol Police Force shall consist of the following:

31 (1) the Capitol Police Force as described in this chapter;

32 (2) the Sergeant at Arms of the Senate as described in
33 Chapter 3 of Title 2;

34 (3) the Sergeant at Arms of the House as described in
35 Chapter 3 of Title 2; and

36 (4) the Marshal of the Supreme Court, as described in
37 Section 14-3-135.

38

39 Section 2-4-20. The functions, powers, duties,
40 responsibilities, and authority exercised by the Department of
41 Public Safety and the Bureau of Protective Services at the State
42 House and capitol grounds, in all state buildings and parking lots
43 and garages on or around the capitol grounds, as defined in Section

1 10-11-310, and the Supreme Court Building including its grounds
2 and parking lot, including all classified and unclassified positions
3 currently held by Department of Public Safety and the Bureau of
4 Protective Services employees whose duties involve providing
5 security services, or the supervision or support of the provision of
6 security services at the State House and capitol grounds, and in all
7 state buildings and parking lots and garages on or around the
8 capitol grounds, and the Supreme Court Building including its
9 grounds and parking lot, and all real and personal property and
10 equipment used in the provision of such security services, are
11 transferred to and devolved on the Capitol Police Force. This
12 transfer excludes those powers, duties, responsibilities, and
13 authority related to the provision of security for the Governor, the
14 Governor's staff, and that part of the State House reserved for the
15 executive chamber and the offices of the Governor's staff.

16

17 Section 2-4-30. (A) The Capitol Police Force shall consist
18 of:

19 (1) the Chief of the Capitol Police Force and such deputy
20 officers and other employees as he may employ pursuant to this
21 chapter;

22 (2) the Sergeant at Arms of the Senate and such deputy
23 officers and other employees as provided in Chapter 3 of Title 2;

24 (3) the Sergeant at Arms of the House and such deputy
25 officers and other employees as provided in Chapter 3 of Title 2;
26 and

27 (4) the Marshal of the Supreme Court and such deputy
28 officers and other employees as provided in Section 14-3-135.

29 (B) The Sergeant at Arms of the Senate and the Sergeant at
30 Arms of the House, and their deputy officers shall have exclusive
31 care and charge over those areas of the State House described in
32 Section 2-3-100, and shall have primary care and charge over those
33 buildings on the capitol grounds where their respective members'
34 offices and committee meeting rooms are located, and shall have
35 primary responsibility for providing security services for their
36 respective members attending public meetings located outside the
37 State House and the capitol grounds. At public meetings attended
38 by their respective members, the Sergeant at Arms of the Senate
39 and the Sergeant at Arms of the House, and their deputy officers
40 shall be assisted by local law enforcement as needed.

41 (C) The Marshal of the Supreme Court and his deputy officers
42 shall have primary responsibility over those areas specified in
43 Section 14-3-135(A).

1 Section 2-4-40. (A) There is hereby established a committee
2 to be known as the 'Capitol Police Force Committee', consisting of
3 three members of the Senate appointed by the President Pro
4 Tempore, three members of the House of Representatives
5 appointed by the Speaker, and three members appointed by the
6 Chief Justice of the Supreme Court of South Carolina. The
7 Director of General Services shall serve as a non-voting ex officio
8 member of the committee.

9 (B) The Capitol Police Force Committee shall:

10 (1) appoint a Chief of the Capitol Police Force who shall
11 serve at the pleasure of the committee and may be removed from
12 office by the committee at its discretion;

13 (2) review and approve rules and regulations promulgated by
14 the Chief of the Capitol Police Force;

15 (3) establish the salaries of the Chief, deputy officers or
16 other police officers, and all employees of the Capitol Police
17 Force, subject to appropriations being provided in the annual
18 appropriations act;

19 (4) adopt reasonable rules and regulations with respect to the
20 security issues involving the parking of automobiles in all parking
21 lots and garages on or around the capitol grounds as defined in
22 Section 10-11-80(B), and the Supreme Court Building including
23 its grounds and parking lot; and

24 (5) adopt a reasonable review process for all officers and
25 employees of the Capitol Police Force aggrieved of any adverse
26 employment action.

27

28 Section 2-4-50. (A) The Chief of the Capitol Police Force
29 shall:

30 (1) adopt rules and regulations necessary to organize and
31 provide for the operation of the Capitol Police Force, subject to
32 review and approval by the Capitol Police Force Committee;

33 (2) employ such deputy officers and other employees as may
34 be necessary to carry out the provisions of this chapter; and

35 (3) apply for and accept, with the approval of the Capitol
36 Police Force Committee, any grants or other available forms of
37 revenue, both public and private, that will assist in funding the
38 provision of security services on the capitol grounds and the
39 Supreme Court building including its grounds and parking lot.

40

41 Section 2-4-60. (A) The Chief of the Capitol Police Force,
42 the Sergeant at Arms of the Senate, the Sergeant at Arms of the
43 House, the Marshal of the Supreme Court, and their deputy

1 officers shall have the same arrest power and power to serve
2 criminal processes against offenders as officers of the South
3 Carolina Law Enforcement Division and also the same power as
4 such officers to arrest without warrants and to detain persons found
5 violating or attempting to violate any laws of the State. The Chief
6 of the Capitol Police Force, the Sergeant at Arms of the Senate, the
7 Sergeant at Arms of the House, the Marshal of the Supreme Court,
8 and their deputy officers shall also have the same power and
9 authority held by officers of the South Carolina Law Enforcement
10 Division for the enforcement of the criminal laws of the State.

11 (B) The Chief of the Capitol Police Force is authorized to enter
12 into written agreements between other law enforcement
13 jurisdictions for the purpose of criminal investigations pursuant to
14 Section 23-1-215.

15 (C) The Chief of the Capitol Police Force, the Sergeant at Arms
16 of the Senate, the Sergeant at Arms of the House, and the Marshal
17 of the Supreme Court are required to furnish evidence to the
18 Capitol Police Force Committee that they are knowledgeable as to
19 the duties and responsibilities of a law enforcement officer or are
20 required to undergo training in this field as is required of officers
21 of the South Carolina Law Enforcement Division. All deputy
22 officers are required to furnish evidence to the Chief of the Capitol
23 Police Force, the Sergeant at Arms of the Senate, the Sergeant at
24 Arms of the House, or the Marshal of the Supreme Court that they
25 are knowledgeable as to the duties and responsibilities of a law
26 enforcement officer or are required to undergo training in this field
27 as is required of officers of the South Carolina Law Enforcement
28 Division.

29 (D) The Chief of the South Carolina Law Enforcement
30 Division, or his designee, shall provide annual training to the Chief
31 of the Capitol Police Force, the Sergeant at Arms of the Senate, the
32 Sergeant at Arms of the House, and the Marshal of the Supreme
33 Court, and their deputy officers.

34 (E) The Chief of the Capitol Police force shall request
35 assistance in providing security services at the State House and
36 capitol grounds for special events and at any time when, in the
37 discretion of the Chief of the Capitol Police Force, it is required.
38 The Director of the Department of Public Safety, the Chief of the
39 South Carolina Law Enforcement Division, the Chief of the City of
40 Columbia Police, and any other law enforcement agency, must
41 provide assistance when requested by the Chief of the Capitol
42 Police.

1 (F) The Chief of the Capitol Police force shall coordinate
2 criminal investigations conducted on the capitol grounds with the
3 South Carolina Law Enforcement Division, and shall request its
4 assistance with criminal investigations, when, in the discretion of
5 the Chief of the Capitol Police Force, it is appropriate. The Chief
6 of the South Carolina Law Enforcement Division must provide
7 assistance in criminal investigations when requested by the Chief
8 of the Capitol Police Force.

9
10 Section 2-4-70. (A) The Chief of the Capitol Police Force,
11 the Sergeant at Arms of the Senate, the Sergeant at Arms of the
12 House, the Marshal of the Supreme Court, and their deputy
13 officers shall:

14 (1) protect persons and property at the State House and
15 capitol grounds, in all state buildings and parking lots and garages
16 on or around the capitol grounds, as defined in Section 10-11-310,
17 and in the Supreme Court Building including its grounds and
18 parking lot;

19 (2) preserve and maintain proper order and decorum;

20 (3) prevent unlawful assemblies and disorderly conduct;

21 (4) enforce the laws pertaining to trespass and other offenses
22 provided for in Chapter 11 of Title 10;

23 (5) provide security services for all persons and property
24 involved in the operation and parking of motor vehicles in state
25 parking lots and garages on or around the capitol grounds and at
26 the Supreme Court Building parking lot; and

27 (6) enforce the laws of the State of South Carolina and
28 arrest, with or without warrant, any person upon or in the areas
29 described in this section who is or is reasonably believed to be
30 committing an offense against any laws of the State of South
31 Carolina, and to deliver the person to any court of competent
32 jurisdiction to be dealt with according to the law.

33 (B) The Chief of the Capitol Police Force and his deputy
34 officers shall have primary care and charge over those areas of the
35 State House, the capitol grounds, and the Supreme Court parking
36 lot not reserved to the Sergeant at Arms of the Senate, the Sergeant
37 at Arms of the House, or to the Marshal of the Supreme Court,
38 pursuant to Section 2-4-30. Additionally, the Chief of the Capitol
39 Police Force and his deputy officers shall have authority to patrol
40 and respond to security or law enforcement related matters in any
41 area located within a one block radius beyond the capitol grounds,
42 as defined in Section 2-4-80.

43

1 Section 2-4-80. For purposes of this section, 'capitol grounds'
2 shall means that area inward from the vehicular traveled surfaces
3 of Gervais, Sumter, Pendleton, and Assembly Streets in the City of
4 Columbia. It shall also include the Supreme Court Building
5 including its grounds and parking lot, and the sidewalks bordering
6 that area.”

7
8 SECTION 2. Section 10-1-30 of the 1976 Code is amended to
9 read:

10
11 “Section 10-1-30. (A) The Director of the Division of General
12 Services of the State Budget and Control Board may authorize the
13 use of the State House lobbies; in accordance with the rules and
14 regulations of the Capitol Police Force Committee. The Director
15 of the Division of General Services may authorize the use of the
16 State House steps and grounds, and other public buildings and
17 grounds in accordance with regulations promulgated by the board.

18 (B) The director shall obtain the approval of the Clerk of the
19 Senate before authorizing any use of the Gressette Building and
20 shall obtain the approval of the Clerk of the House of
21 Representatives before authorizing any use of the Blatt Building.

22 (C) The regulations must contain provisions to insure that the
23 public health, safety, and welfare will be protected in the use of the
24 areas including reasonable time, place, and manner restrictions and
25 application periods before use. If sufficient measures cannot be
26 taken to protect the public health, safety, and welfare, the director
27 shall deny the requested use. Other restrictions may be imposed
28 on the use of the areas as are necessary for the conduct of business
29 in those areas and the maintenance of the dignity, decorum, and
30 aesthetics of the areas.

31 (D) The Capitol Police Force shall provide security services for
32 all uses of the State House lobbies, State House steps and grounds,
33 and all public buildings and grounds on the capitol grounds, except
34 as limited by Section 2-4-20. The director shall consult with the
35 Chief of the Capitol Police Force regarding security issues prior to
36 authorizing the use of or the placement of restrictions on the use of
37 the State House lobbies, steps, or grounds, or public buildings and
38 grounds on the capitol grounds.”

39
40 SECTION 3. Chapter 11 of Title 10 of the 1976 Code is amended
41 to read:

42
43 “Chapter 11

Trespasses and Offenses

Section 10-11-10. It shall be unlawful for any person, without the permission of the State Budget and Control Board or a member of that board, to enter upon or walk upon the roof of the State House. Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days ~~on the public works of Richland County~~ for each offense.

Section 10-11-20. It shall be unlawful to use the State House or capitol grounds for any purpose not authorized by law. Any violation of the provisions of this section shall be punishable by imprisonment for a period not exceeding thirty days or by a fine of not over one hundred dollars.

Section 10-11-30. It shall be unlawful for any person to trespass upon the grass plots or flower beds of the capitol grounds of the State House or of the Governor's mansion, or of the grounds surrounding any of the state office buildings located in the area bounded by Assembly, Gervais, Bull, and Pendleton Streets in the City of Columbia, to damage or deface any of the buildings, or to cut down, deface, mutilate, or otherwise injure any of the statues, trees, shrubs, grasses, or flowers on the grounds or commit any other trespass upon any property of the State, real or personal, located thereon.

Section 10-11-40. It shall be unlawful for any person, except state officers and employees and persons having lawful business ~~in the buildings~~ on the capitol grounds, to use any of the driveways, alleys, or parking spaces upon any of the property of the State; ~~bounded by Assembly, Gervais, Bull and Pendleton Streets in the city of Columbia~~ within the capitol grounds, upon any regular weekday, Saturdays and holidays excepted, between the hours of eight-thirty a.m. and five-thirty p.m., whenever the buildings are open for business.

Section 10-11-50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10-11-40 and subsection (2) ~~(B)~~ of Section 10-11-80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the State Budget and Control Board, in cooperation with the Department of Transportation and the Capitol

1 Police Force, or to block or impede traffic through the alleys and
2 driveways.

3
4 Section 10-11-60. It shall be unlawful to operate a motor
5 vehicle on any of the property described in Section 10-11-40 and
6 subsection (2) (B) of Section 10-11-80 at a speed in excess of ten
7 miles per hour. All of the state laws regulating traffic upon the
8 highways and streets shall apply to the operation of motor vehicles
9 within the area, except as modified hereby.

10

11 Section 10-11-70. All of the general criminal laws of the State
12 are hereby declared to be in full force and effect within the area
13 described in Sections 10-11-30 and 10-11-40 and subsection (2)
14 (B) of Section 10-11-80.

15

16 Section 10-11-80. ~~(1) (A)~~ Except as provided in subsection (B)
17 of this section, parking lots which are situated on the property of
18 the State shall be reserved for the employees of the State. The
19 parking lots referred to by this section shall be policed by the
20 Department of Public Safety and no person not authorized by this
21 section shall be allowed to occupy such parking lots. Parking lots
22 referred to in this section are confined to those located in the City
23 of Columbia.

24 ~~(2) (B) The parking lots located on the corner of Main and~~
25 ~~Senate Streets shall be reserved exclusively for members of the~~
26 ~~General Assembly, the clerks, chaplains, sergeants at arms, reading~~
27 ~~clerks of both houses and the Code Commissioner during such~~
28 ~~time as the legislature is in session, after which it shall be reserved~~
29 ~~as other state parking lots.~~ located upon, around, or under any of
30 the property of the State bounded by Assembly, Gervais, Sumter,
31 and Pendleton streets in the City of Columbia, and the Supreme
32 Court Building parking lot shall be policed by the Capitol Police
33 Force, and no person not authorized by this section shall be
34 allowed to occupy such parking lots. The use of ~~this~~ these lots by
35 unauthorized persons shall constitute a misdemeanor, punishable
36 as provided for in Section 10-11-120.

37

38 ~~Section 10-11-90. The watchmen and policemen employed by~~
39 ~~the Budget and Control Board for the protection of the property~~
40 ~~described in Sections 10-11-30 and 10-11-40 and subsection (2) of~~
41 ~~Section 10-11-80 are hereby vested with all of the powers,~~
42 ~~privileges and immunities of constables while on this area or in~~
43 ~~fresh pursuit of those violating the law in this area, provided that~~

1 ~~such watchmen and policemen take and file the oath required of~~
2 ~~peace officers, execute and file bond in the form required of State~~
3 ~~constables, in the amount of one thousand dollars, with the Budget~~
4 ~~and Control Board, and be duly commissioned by the Governor.~~

5
6 Section 10-11-100. ~~In addition to the enforcement of Sections~~
7 ~~10-11-30 to 10-11-70 and subsection (2) of Section 10-11-80 by~~
8 ~~the watchmen mentioned in Section 10-11-90, all~~ All lawful
9 highway patrolmen and police officers of the City of Columbia
10 may enforce the criminal laws of this State and the provisions of
11 such sections and subsection within the area described in Sections
12 10-11-30 and 10-11-40 and subsection ~~(2)~~ (B) of Section 10-11-80.

13
14 Section 10-11-110. In connection with traffic and parking
15 violations only, ~~the watchmen and policemen referred to in Section~~
16 ~~10-11-90~~ the Capitol Police Force, state highway patrolmen and
17 policemen of the City of Columbia shall have the right to issue and
18 use parking tickets of the type used by the City of Columbia, with
19 such changes as are necessitated hereby, to be prepared and
20 furnished by the Budget and Control Board, upon the issuance of
21 which the procedures shall be followed as prevail in connection
22 with the use of parking tickets by the City of Columbia. Nothing
23 herein shall restrict the application and use of regular arrest
24 warrants.

25
26 Section 10-11-120. The violation of any of the provisions of
27 Sections 10-11-40 to 10-11-60 and subsection ~~(2)~~ (B) of Section
28 10-11-80 shall constitute a misdemeanor and, upon conviction
29 thereof, the offender shall be punished by a fine of not more than
30 one hundred dollars or imprisonment for not more than thirty days.
31 The penalties for violation of any of the other criminal laws of the
32 State shall be as provided for by law.

33
34 Section 10-11-130. ~~The recorder of the city of Columbia and~~
35 ~~the magistrate of the Columbia district are hereby separately~~
36 municipal judge and the Richland County Magistrate are vested
37 with all jurisdiction necessary to hear, try, and determine criminal
38 cases involving any violations of Sections 10-11-30 to 10-11-120
39 where the punishment does not exceed ~~a fine of one hundred~~
40 ~~dollars or imprisonment of thirty days~~ the jurisdictional limits of
41 municipal court or magistrate's court.

1 Section 10-11-140. Nothing contained in this article shall be
2 construed to abridge the authority of the State Budget and Control
3 Board to grant permission to use the State House grounds for
4 educational, electrical decorations, and similar purposes.

5
6 ~~Section 10-11-150. In order to preserve public safety and~~
7 ~~provide appropriate staging space in the areas adjacent to the~~
8 ~~Capitol complex during the period of the State House Renovation~~
9 ~~Project, notwithstanding any provision of law or ordinance to the~~
10 ~~contrary, the Department of Transportation is empowered and~~
11 ~~directed to take appropriate steps regarding traffic routing and flow~~
12 ~~and pedestrian access in the area around the Capitol Complex as~~
13 ~~directed by the committee established by Section 2 of an act of~~
14 ~~1995 bearing ratification no. 62.~~

15
16 Section 10-11-310. As used in this article, 'capitol grounds'
17 shall be that area inward from the vehicular traveled surfaces of
18 Gervais, Sumter, Senate Pendleton, and Assembly Streets in the
19 City of Columbia. It shall also include the Supreme Court
20 Building including its grounds and parking lot, and the sidewalks
21 bordering that area.

22
23 Section 10-11-315. It is unlawful for a person to wilfully and
24 maliciously deface, vandalize, damage, or destroy or attempt to
25 deface, vandalize, damage, or destroy any monument, flag, flag
26 support, memorial, fence, or structure located on the capitol
27 grounds, and a person convicted of a violation of this section shall
28 be punished pursuant to the provisions of Section 10-11-360.

29
30 Section 10-11-320. (A) It is unlawful for any person or group
31 of persons to:

32 (1) carry or have readily accessible to the person upon the
33 capitol grounds or within the capitol building any firearm or
34 dangerous weapon; or

35 (2) discharge any firearm or to use any dangerous weapon
36 upon the capitol grounds or within the ~~capitol building~~ State
37 House.

38 (B) This section does not apply to a person who possesses a
39 concealable weapons' permit pursuant to Article 4, Chapter 31,
40 Title 23 and is authorized to park on the capitol grounds or in the
41 parking garage below the capitol grounds. The firearm must
42 remain locked in the person's vehicle while on or below the capitol
43 grounds and must be stored in a place in the vehicle that is not

1 readily accessible to any person upon entry to or below the capitol
2 grounds, except for those persons named in Section 23-31-240
3 who may carry concealable weapons anywhere within the State
4 when carrying out the duties of their office, if they possess a valid
5 permit.

6
7 Section 10-11-325. (A) It is unlawful for a person knowingly
8 to possess, have readily accessible to the person, or transport by
9 any means upon the capitol grounds or within the ~~capitol building~~
10 State House any explosive, destructive device, or incendiary
11 device. A person who violates this subsection is guilty of a felony
12 and, upon conviction, must be imprisoned for not less than two
13 years nor more than fifteen years.

14 (B) It is unlawful for a person intentionally to detonate an
15 explosive or destructive device or ignite any incendiary device
16 upon the capitol grounds or within the ~~capitol building~~ State
17 House. A person who violates this subsection is guilty of a felony
18 and, upon conviction:

19 (1) in cases resulting in the death of another person where
20 there was malice aforethought, must be punished by death, by
21 imprisonment for life, or by a mandatory minimum term of
22 imprisonment for thirty years;

23 (2) in cases resulting in the death of another person where
24 there was not malice aforethought, must be imprisoned not less
25 than two years nor more than thirty years;

26 (3) in cases resulting in injury to a person, must be
27 imprisoned for not less than ten years nor more than twenty-five
28 years;

29 (4) in cases resulting in damage to a building or other real or
30 personal property, must be imprisoned for not less than two years
31 nor more than twenty-five years.

32
33 Section 10-11-330. It shall be unlawful for any person or
34 group of persons willfully and knowingly: (a) to enter or to remain
35 within the ~~capitol building~~ State House unless such person is
36 authorized by law or by rules of the House or Senate, ~~or of the~~
37 State Budget and Control Board, or the Capitol Police Force, when
38 such entry is done for the purpose of uttering loud, threatening, and
39 abusive language or to engage in any disorderly or disruptive
40 conduct with the intent to impede, disrupt, or disturb the orderly
41 conduct of any session of the legislature or the orderly conduct
42 within the building or of any hearing before or any deliberation of
43 any committee or subcommittee of the legislature; (b) to obstruct

1 or to impede passage within the capitol grounds or ~~building~~ State
2 House; (c) to engage in any act of physical violence upon the
3 capitol grounds or within the ~~capitol building~~ State House; or (d)
4 to parade, demonstrate, or picket within the ~~capitol building~~ State
5 House.

6
7 Section 10-11-340. Nothing contained in this article prohibits
8 any officer or employee or persons otherwise authorized and
9 required to perform duties within the ~~capitol building~~ State House
10 from performing their normal duties, including the carrying of
11 firearms, except as may be limited by the rules of either House
12 within their respective chambers.

13
14 Section 10-11-350. Nothing contained in this article shall
15 prohibit the normal, peaceful entry of the general public upon the
16 capitol grounds or within the ~~capitol building~~ State House, subject
17 only to laws or rules governing that portion of the capitol grounds
18 which may be entered and the hours during which the ~~capitol~~
19 building State House shall be open.

20
21 Section 10-11-360. A person who violates the provisions of
22 this article is guilty of a misdemeanor and, upon conviction, must
23 be fined not more than five thousand dollars or imprisoned not
24 more than three years, or both. The penalties provided for in this
25 section do not apply to Section 10-11-325.”

26
27 SECTION 4. Chapter 3 of Title 14 is amended by adding:

28
29 “Section 14-3-135. (A) The Supreme Court shall appoint a
30 Marshal of the Supreme Court who, under the supervision and
31 direction of the Clerk of the Supreme Court, shall have primary
32 responsibility over the Supreme Court Building including its
33 grounds and parking lot, and the Calhoun Building on the capitol
34 grounds. The Marshal shall be held responsible for providing
35 security services at the Supreme Court Building including its
36 grounds and parking lot and the Calhoun Building, and shall be
37 held responsible for their keeping and the keeping and protection
38 of the furniture and furnishings belonging to them. Additionally,
39 the Marshal shall provide security services at other locations where
40 the Supreme Court or Court of Appeals may hold court or attend
41 meetings, and shall be assisted by local law enforcement as
42 needed.

1 (B) The Marshal shall employ such deputies and other
2 employees as may be necessary to carry out the provisions of this
3 subsection.

4 (C) The duties of the Marshal and his deputies are:

5 (1) the security of personnel and property of the Supreme
6 Court Building including its grounds and parking lot, the Calhoun
7 Building, and at such other locations where the Supreme Court or
8 Court of Appeals may hold court;

9 (2) as provided by law; and

10 (3) as designated by the Supreme Court.

11 (D) The Marshal and his deputies shall meet and escort visitors
12 as necessary about the Supreme Court Building or the Calhoun
13 Building.”

14

15 SECTION 5. (A) The provisions of this act take effect upon
16 approval by the Governor.

17

18 (B) Where the provisions of this act transfer particular entities,
19 sections, divisions, or portions thereof of one state agency
20 (transferring agency) to another state agency or entity (receiving
21 agency), the employees, authorized appropriations, and real and
22 personal property of the transferring agency are also transferred to
23 and become part of the receiving agency unless otherwise
24 specifically provided. All classified or unclassified personnel of
25 the transferring agency shall become employees of the receiving
26 department or division, with the same compensation, classification,
27 and grade level, as applicable. The Budget and Control Board
28 shall cause all necessary actions to be taken to accomplish this
29 transfer and shall in consultation with the agency head of the
30 transferring and receiving agencies prescribe the manner in which
31 the transfer provided for in this section shall be accomplished. The
32 board's action in facilitating the provisions of this section are
33 ministerial in nature and shall not be construed as an approval
34 process over any of the transfers.

35 (C) Employees or personnel of the transferring agency
36 transferred to or made a part of the receiving agency shall continue
37 to occupy the same office locations and facilities which they now
38 occupy unless or until otherwise changed by appropriate action and
39 authorization, and shall maintain their seniority within the
40 transferring agency should they decide to remain in their positions
41 or subsequently apply for a position back with the transferring
42 agency. The rent and physical plant operating costs of these
43 offices and facilities, if any, shall continue to be paid by the

1 transferring agency until otherwise provided by the General
2 Assembly. The records and files of the transferring agency shall
3 remain the property of the transferring agency, except that the
4 transferred personnel shall have complete access to these records
5 and files in the performance of their duties as new employees of
6 the receiving agency.

7 (D) All remaining costs necessary for the implementation and
8 operation of the Capitol Police Force shall be provided for by the
9 General Assembly in the annual appropriations act; however, for
10 Fiscal Year 2008-2009, the Budget and Control Board shall
11 provide all funds necessary to implement the provisions of this act.
12

13 SECTION 6. If any section, subsection, item, subitem, paragraph,
14 subparagraph, sentence, clause, phrase, or word of this act is for
15 any reason held to be unconstitutional or invalid, such holding
16 shall not affect the constitutionality or validity of the remaining
17 portions of this act, the General Assembly hereby declaring that it
18 would have passed this act, and each and every section, subsection,
19 item, subitem, paragraph, subparagraph, sentence, clause, phrase,
20 and word thereof, irrespective of the fact that any one or more
21 other sections, subsections, items, subitems, paragraphs,
22 subparagraphs, sentences, clauses, phrases, or words hereof may
23 be declared to be unconstitutional, invalid, or otherwise
24 ineffective.

25 ----XX----